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ATTORNEY FOR PLAINTIFF CUSTODIA BANK, INC.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

PLAINTIFF'S DESIGNATION OF EXPERT WITNESSES

Pursuant to Rule 26(a)(2)(B) of the Federal Rules of Civil Procedure, U.S.D.C.L.R. 26.1(g)(4), and the Court's June 30, 2023 AMENDED SCHEDULING ORDER, ECF No. 169, *as amended*, Plaintiff Custodia Bank, Inc., by and through its counsel, hereby designates the following expert witnesses who may be called to testify at the trial of this matter. The testimony of any expert designated herein may be offered live or by trial deposition.

I. RETAINED EXPERTS

- 1. Katie S. Cox
P.O. Box 171
Elkton, VA 22827
Telephone: (703) 640-8666**

Katie S. Cox is a fact witness who has also been retained to testify as an expert witness in this case, pursuant to Rule 26(a)(2). Her opinions are set forth in her expert report. Plaintiff will provide Ms. Cox for deposition in her capacity as both a fact and expert witness at Defendant's expense, without subpoena, at a time and place that is convenient for all parties and the witness. Plaintiff reserves the right to supplement this designation as new information is made known to Plaintiff or Ms. Cox. Supplementation may be in the form of deposition(s), correspondence, or

supplemental exhibits.

Ms. Cox is currently a consultant within the Financial Services Risk & Regulatory area. She also serves as an advisor to Custodia. Ms. Cox has been retained to analyze the Board's role in the decision-making process and ultimate denial of Custodia's master account application, which is the subject of this case. Ms. Cox has prepared a written report regarding her opinions, which contains and outlines her opinions regarding the denial of Custodia's master account application. Her report was served on Defendants on October 20, 2023 and is incorporated herein by reference. Because some of the materials cited in Ms. Cox's report have been designated confidential, the parties will meet and confer regarding how to file the report. All of her opinions are rendered to a reasonable degree of certainty and are based on her education, her decades of experience working for the Federal Reserve System, and her interactions with the Federal Reserve Bank of Kansas City and the Federal Reserve Board of Governors as an advisor for Custodia. Ms. Cox will testify consistent with her report. She will also testify as to her background and experiences working for the Federal Reserve System. The materials Ms. Cox relied upon in reaching her opinions are listed in Exhibit 1 to her report and are incorporated herein by reference.

A copy of her *Curriculum Vitae* outlining her credentials is also attached to her report as Exhibit 2. Ms. Cox's CV is attached hereto as "**Exhibit A.**" Ms. Cox is being compensated \$500/hour for providing the independent written analysis in her Report. Ms. Cox has not served as an expert at trial or by deposition for the last four (4) years.

If additional discovery materials are provided or elicited from Defendants or any expert witnesses during deposition, Ms. Cox may review these materials and render a supplemental designation or report. Ms. Cox therefore reserves the right to supplement and amend her report and opinions accordingly.

Ms. Cox is available for deposition in this case. If deposed, Ms. Cox will render and submit all opinions found in her report, and her deposition is incorporated herein by reference. Additionally, Ms. Cox may testify to any matters addressed in any reports submitted by any experts designated by Defendants in this matter to rebut her opinions. If Defendants' experts are deposed, Ms. Cox will review these depositions and may render rebuttal opinions against Defendants' expert(s).

Further, at this time, discovery is still incomplete. To the extent additional discovery is completed and/or other necessary discovery becomes known, Ms. Cox reserves the right to supplement and amend her opinions accordingly.

**2. Peter Conti-Brown
600 Jon M. Huntsman Hall
3730 Walnut Street
Philadelphia, PA 19104
Telephone (215) 898-7689**

Dr. Peter Conti-Brown has been retained to testify as an expert witness in this case. His opinions are set forth in his expert report. Plaintiff will provide Dr. Conti-Brown for deposition at Defendants' expense, without subpoena, at a time and place that is convenient for all parties and the witness. Plaintiff reserves the right to supplement this designation as new information is made known to Plaintiff or Dr. Conti-Brown. Supplementation may be in the form of deposition(s), correspondence, or supplemental exhibits.

Dr. Conti-Brown is currently an Associate Professor of Financial Regulation at The Wharton School of the University of Pennsylvania. Dr. Conti-Brown has been retained to analyze whether the Fed's claim of discretion over Master Account access conforms to history, practice, legal context, and the public policies of the US government and the Federal Reserve itself. He has also been retained to analyze whether the Board of Governors of the Federal Reserve exercises

ultimate authority over Master Account access. Dr. Conti-Brown has prepared a written report that includes his opinions. His report was served on Defendants on October 20, 2023 and is incorporated herein by reference. Because some of the materials cited in Dr. Conti-Brown's report have been designated confidential, the parties will meet and confer regarding how to file the report. All of his opinions are rendered to a reasonable degree of certainty and are based on his education, his research into the history of the Monetary Control Act, and his review of discovery in this case. Dr. Conti-Brown will testify consistent with his report. The materials Dr. Conti-Brown relied upon in reaching his opinions are listed in Exhibit 2 to his report and are incorporated herein by reference.

A copy of his *Curriculum Vitae* outlining his credentials is also attached to his report as Exhibit 1. Dr. Conti-Brown's CV is attached hereto as "**Exhibit B.**" Dr. Conti-Brown is being compensated \$950/hour for providing the independent written analysis in his Report. Dr. Conti-Brown has previously served as an expert in *Holbrook v. The Brink's Company*, US District Court for the Southern District of Ohio Eastern Division, Case No. 2:13-cv-873; *Home Federal Bank of Tennessee v. Home Federal Bank Corporation*, US District Court for the Eastern District of Tennessee, Case No. 3:18-cv-00379; and *Ocwen vs. Weiner*, US District Court for the Eastern District of California, Case No. 2:14-cv-02597.

If additional discovery materials are provided or elicited from Defendants or any expert witnesses during deposition, Dr. Conti-Brown may review these materials and render a supplemental designation or report. Dr. Conti-Brown therefore reserves the right to supplement and amend his report and opinions accordingly.

Dr. Conti-Brown is available for deposition in this case. If deposed, Dr. Conti-Brown will render and submit all opinions found in his report, and his deposition is incorporated herein by

reference. Additionally, Dr. Conti-Brown may testify to any matters addressed in any reports submitted by any experts designated by Defendants in this matter to rebut his opinions. If Defendants' experts are deposed, Dr. Conti-Brown will review these depositions and may render rebuttal opinions against Defendants' expert(s).

Further, at this time, discovery is still incomplete. To the extent additional discovery is completed and/or other necessary discovery becomes known, Dr. Conti-Brown reserves the right to supplement and amend her opinions accordingly.

II. OTHER EXPERTS

Plaintiff reserves the right to call any expert witnesses (retained or non-retained) designated by any other party in this matter.

III. REBUTTAL EXPERTS

Plaintiff reserves the right to call any expert witnesses (retained or non-retained) necessary for rebuttal purposes.

IV. SUPPLEMENTATION

Plaintiff reserves the right to supplement, amend, or modify this designation as further information becomes available.

DATED this 20th day of October, 2023.

CUSTODIA BANK, INC., Plaintiff

By: /s/ Scott E. Ortiz
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-and-

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served this day of October 20, 2023, addressed to:

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Yvonne F. Mizusawa
Yonatan Gelblum
Katherine Pomeroy
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